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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,174	10/30/2003	Howard Shelton Lambert	GB920020091US1	2506
35525	7590	07/24/2008		
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			EXAMINER LASHLEY, LAUREL L	
			ART UNIT 2132	PAPER NUMBER
			NOTIFICATION DATE 07/24/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

Office Action Summary	Application No. 10/698,174	Applicant(s) LAMBERT ET AL.	
	Examiner LAUREL LASHLEY	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7,8,11-13,15 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7,8,11-13,15 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/22/2008 has been entered. Claims 1, 4-5, 7-8, 11-13, 15 and 17 are pending.

Response to Arguments

2. Applicant's arguments with respect to claim 04/22/2008 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. Claims 1, 4-5, 7-8 and 11-12 are rejected under 35 U.S.C. 103(a) 35 U.S.C. 103(a) as being unpatentable over the combination of Holvey et al., U.S. Patent Publication No. 2004/0054935, (hereinafter "Holvey") and Prihoda et al., U.S. Patent No. 6,789,195, (hereinafter "Prihoda") and further in view of Chadwick, "Smart Cards Aren't Always the Smart Choice," IEEE Computer, December 1999, v. 32, issue 12, pp. 142-143, (hereinafter "Chadwick").

4. **Regarding claims 1, 11 and 12:** Holvey discloses a data processing system (Title), method (Title), and an executable computer program on a tangible medium ([0038] software), respectively, for controlling access of at least one user to stored data comprising: means, responsive to a request from the user to access a set of the stored data that is available to the at least one user, for authenticating the user ([0022] requesting user authenticated via

voice-print or ID and password), wherein the request is initiated by presentation of a token by the user ([0022] token); and

a user specific table associated with the user (patient medical records and associated authorized users), wherein the user specific table identifies the set ([0023]-[0024] Table 1), the user specific table comprises (ii) second data associated with the location of the set ([0032] hyperlinks);

additional user specific tables for each additional user ([0007] patient database, i.e., collection of patient tables);

by more than one user ([0023] owners/patients and other authorized users), and means for accessing data associated with each user of the more than one users ([0023] patients have complete access, other authorized users' access is controlled by patients);

Holvey does not disclose decrypting the user specific table or accessing the set in response to successful decryption.

Holvey does not disclose the token comprising the means for decrypting.

Holvey does not disclose that the set is encrypted or that the user specific table comprises data associated with decryption of the set.

Prihoda discloses means, responsive to successful authentication, for decrypting a user specific table associated with the user (col. 1, ll. 57-65, storage...data...decrypted...); and means, responsive to successful decryption, for accessing the set (col. 2, ll. 15-20, col. 3, ll. 35-46: authorized data access with key...).

As one of ordinary skill in the art at the time of the invention would know, encrypting documents has been well-known since long before the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Holvey by

encrypting and decrypting data as taught by Prihoda in order to maintain confidentiality of users' information. (see Prihoda, col. 2 ll. 15-16).

Prihoda discloses a token comprising the means for decrypting (Abstract and col. 2, ll. 15-20, key for decrypting).

As one of ordinary skill in the art at the time of the invention would know, software tokens have been well-known since long before the invention, (see Chadwick, p. 142, col. 1-2, regarding public/private key infrastructure software tokens). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Holvey by encrypting and decrypting data as taught by Prihoda in order to maintain confidentiality of users' information, (see Prihoda, col. 3 ll. 20-21).

Prihoda discloses that the set is encrypted and the user specific table comprises data associated with decryption of the set (col. 2, ll. 15-20, col. 3, ll. 35-46, special key for decrypting).

Encrypting documents has been well-known since long before the invention, therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Holvey by encrypting and decrypting data as taught by Prihoda in order to maintain confidentiality of users' information, (see Prihoda, col. 2 ll. 15-16).

5. **Regarding claim 4:** Holvey discloses a set comprising all of the stored data ([0023] complete set of rights).

6. **Regarding claim 5:** Holvey discloses a set comprising portion of the stored data ([0023] limited rights).

7. **Regarding claim 7:** Holvey discloses a token comprising means associated with an identity of the user ([0022] user specific token).

8. **Regarding claim 8:** Holvey discloses a means associated with the identity of the user derived from one or more biometric characteristics associated with the user ([0022] and [0031] voice-print).

9. **Claims 13,15, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Holvey and Prihoda as applied to claim 1 above, and further in view of Mita et al., U.S. Patent Publication No. 2002/0035485 A1, (hereinafter "Mita").**

10. Regarding claims 13, 15 and 17: Holvey discloses additional user specific tables for each additional user ([0007] patient database, i.e., collection of patient tables).

Mita discloses means for attempting to decrypt, in turn, each of the user specific tables until a successful decryption occurs ([0042] sequential search).

As one of ordinary skill in the art at the time of the invention would know, sequential searching has been well-known since long before the invention. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Holvey by sequential searching as taught by Mita in order to access stored personal including medical data (see Mita, Title).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAUREL LASHLEY whose telephone number is (571)272-0693. The examiner can normally be reached on Monday - Thursday, alt Fridays btw 7:30 am & 5 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron, Jr. can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laurel Lashley
Examiner
Art Unit 2132

/L. L./
18 July 2008

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2132